

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15231 OF 2007

ORAL ORDER:

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This writ petition is filed seeking a declaration that the proceedings of the 1st respondent dated 17.7.2007, fixing the date as 18.7.2007 for administering oath of office and secrecy to the persons appointed as trustees to the Trust Board of Sri Kharmanghat Hanuman Temple, Kharmanghat village, Saroomagar Mandal, Rangareddy District as arbitrary and illegal.

It is to be noted that the Trust Board to the temple in question was constituted under Section 15 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short "the Act") vide G.O.Rt.No.57 dated 8.1.2007, thereby appointing the respondents 5 to 13 herein as trustees. Questioning the said order, the petitioner herein filed W.P.No.1337 of 2007, which was dismissed by this Court. However, the Government of Andhra Pradesh issued memo dated 8.3.2007, canceling G.O.Rt.No.57 dated 8.1.2007, on the ground that the matter requires wide publicity to enable all the persons interested in the development of the temple to apply. The said order is challenged by the respondents 5 to 13 herein in W.P.No.5416 of 2007. Pending writ petition, the petitioners therein sought suspension of the order, dated 8.3.2007, and also a direction to the 1st respondent to administer oath of office and secrecy to them as trustees. This Court while issuing *Rule nisi*, by order dated 16.3.2007 in W.P.M.P.Nos.6888 & 6889 of 2007 passed an order as under:

“ The learned Assistant Government Pleader for Endowments takes notice for respondents 1 to 3. Sri Kondaveeti Ravi takes notice for respondent No.4. They request three weeks time for filing counter.

There shall be interim suspension as prayed for..”

The petitioner herein as well as the respondents 1 to 3 filed Petitions to vacate the said order. This Court after hearing both the

parties in detail, by order dated 17.7.2007, made the interim order absolute.

In the meanwhile, it appears that the respondents 5 to 13 herein initiated contempt proceedings for the alleged inaction on the part of respondents 1 to 3 in administering oath of office and secrecy in compliance with the order of this Court and the said C.C.No.728 of 2007 stands posted to 19.7.2007.

Be that as it may, the 1st respondent has now issued the impugned proceedings dated 17.7.2007 fixing 18.7.2007, as the date for administering the oath of office and secrecy to the respondents 5 to 13. The petitioner challenges the said proceedings contending that since this Court had only suspended the order dated 8.3.2007 and there was no positive direction to administer oath of office and secrecy, the 1st respondent was not justified in issuing the impugned proceedings. It is also contended that since W.P.No.5416 of 2007 in which the cancellation of the constitution of the Trust Board is challenged is still pending, the impugned proposal to administer oath of office and secrecy to the respondents 5 to 13 is unwarranted since the same would virtually amount to allowing the writ petition.

Having heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents 5 to 13 and the learned Government Pleader for Endowments, I do not find any substance in any of the constructions raised by the petitioner.

At the outset, it is to be noted that the memo dated 8.3.2007 canceling G.O.Rt.No.57, dated 8-1-2007 under which the Trust Board has been constituted was suspended by this Court by order dated 16.3.2007, pending W.P.No.5416 of 2007. The said order has been made absolute after hearing both the parties on 17.7.2007. Thus, G.O.Rt.No.57, dated 8-1-2007 constituting the Trust Board, and appointing the respondents 5 to 13 as Board of Trustees stands good as on today. Hence, the respondents 1 to 3 are bound to implement the same. In the circumstances, it cannot be held that the 1st

respondent has committed any error in fixing the date for administering oath of office and secrecy to the respondents 5 to 13. As a matter of fact, the impugned proceedings dated 17-7-2007 proposing to administer oath of office and secrecy to the respondents 5 to 13 are in compliance with the interim order granted by this court in W.P.M.P.Nos.6888 & 6889 of 2007. Absolutely no case is made out to declare the impugned proceedings as arbitrary or illegal. Having failed to succeed in W.P.No.1337 of 2007, the petitioner appears to have filed this writ petition only to defeat the orders passed by this Court in W.P.No.5416 of 2007 in favour of the respondents 5 to 13. The writ petition on the face of it is misconceived and nothing but abuse of process of the Court.

The writ petition is accordingly, dismissed with costs, quantified at Rs.5,000/-.

(G. ROHINI, J.)

18th July, 2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15231 OF 2007

18th July, 2007.

Between:

Yerukula Krishna Gowd.

.. Petitioner.

And

The Assistant Commissioner,
Endowments Department,

Rangareddy District and others.

.. Respondents.